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OFFICE OF PETITIONS

In re Application of :
Peter Schimitzek :
Application No. 10/070487 :
Filing or 371(c) Date: 03/04/2002 :
Attorney Docket Number: :
2012 : **ON PETITION**

This is a decision on the "Petition to Withdraw Holding of Abandonment", filed February 23, 2007. The petition is properly treated under 37 C.F.R. 1.181.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 9, 2006. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on August 10, 2006. A Notice of Abandonment was mailed January 18, 2007.


With the instant petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 3623 for re-mailing of the Office communication.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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